

gation and purposes incidental thereto shall, in relation to an affected State or States (as defined in paragraph (a) of this section), and to the Secretary of the Army, be subject to the same provisions regarding investigations, plans, proposals, and reports as prescribed in paragraph (a) of this section for the Chief of Engineers and the Secretary of the Army. In the event a submission of views and recommendations, made by an affected State or by the Secretary of the Army pursuant to said provisions, sets forth objections to the plans or proposals covered by the report of the Secretary of the Interior, the proposed works shall not be deemed authorized except upon approval by an Act of Congress; and section 485h(a) of title 43 and section 590z-1(a) of title 16 are amended accordingly.

(Dec. 22, 1944, ch. 665, §1, 58 Stat. 887; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 104-303, title II, §223, Oct. 12, 1996, 110 Stat. 3697; Pub. L. 114-322, title I, §1136(a), Dec. 16, 2016, 130 Stat. 1656.)

Editorial Notes

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-322 inserted “and shall be made publicly available” after “House or Senate document”.

1996—Par. (a). Pub. L. 104-303 substituted “Within 30 days” for “Within ninety days” and “30-day period” for “ninety-day period”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

APPLICABILITY OF SECTION TO PROJECTS AUTHORIZED BY FLOOD CONTROL ACTS

Pub. L. 90-483, title II, §202, Aug. 13, 1968, 82 Stat. 739, provided that: “The provisions of section 1 of the Act of December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress, second session) [this section], shall govern with respect to projects authorized in this Act [Pub. L. 90-483], and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto shall apply as if herein set forth in full.”

Similar provisions were contained in the following prior acts:

Nov. 7, 1966, Pub. L. 89-789, title II, §202, 80 Stat. 1418.
Oct. 27, 1965, Pub. L. 89-298, title II, §203, 79 Stat. 1074.
Sept. 3, 1954, ch. 1264, title II, §202, 68 Stat. 1256.
May 17, 1950, ch. 188, title II, §202, 64 Stat. 170.

GLENDON UNIT, WYOMING, MISSOURI RIVER BASIN PROJECT

Joint Res. July 16, 1954, ch. 532, §2, 68 Stat. 486, provided, with respect to the Glendon unit (dam and reservoir), Missouri River Basin Project, at the Glendon site on the North Platte River in Wyoming, for waiver of the provisions of subsec. (c) of this section. Section 1 of the Joint Resolution provided for the construction and operation of such unit by the Secretary of the Interior.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

§ 701a. Declaration of policy of 1936 act

It is recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare; that it is the sense of Congress that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected.

(June 22, 1936, ch. 688, §1, 49 Stat. 1570.)

§ 701a-1. “Flood control” defined; jurisdiction of Federal investigations

The words “flood control” as used in section 701a of this title, shall be construed to include channel and major drainage improvements and flood prevention improvements for protection from groundwater-induced damages, and Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the Department of the Army under the direction of the Secretary of the Army and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and water-flow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress.

(Dec. 22, 1944, ch. 665, §2, 58 Stat. 889; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 99-662, title IV, §403, Nov. 17, 1986, 100 Stat. 4133.)

Editorial Notes

AMENDMENTS

1986—Pub. L. 99-662 inserted “and flood prevention improvements for protection from groundwater-induced damages” after “drainage improvements”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956,